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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,514	11/30/2000	Young Joon Song	K-241	8909
34610	7590	08/04/2005	EXAMINER	
FLESHNER & KIM, LLP			LEVITAN, DMITRY	
P.O. BOX 221200				
CHANTILLY, VA 20153			ART UNIT	PAPER NUMBER

2662

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/725,514	SONG, YOUNG JOON	
	Examiner	Art Unit	
	Dmitry Levitan	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 43-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 43-49 and 52-82 is/are rejected.
- 7) ☒ Claim(s) 4-8, 50 and 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/03/05 3/1/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Applicant's amendment, filed 05/03/05, has been entered. Claims 1-9 and 43-82 remain pending.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because Performance results, shown on Fig. 4-7 and 9-13, are not supported by the description as it is unclear where and how the word error rate was measured.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: DPDCH on Fig. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. In light of Applicant's amendment the objection set in the previous Office Action to the specification has been withdrawn.
2. The disclosure is objected to because of the following informalities: specification list Fig. 4-7 and 9-13 as measurement results, but provide no explanations on the condition how the measurements were taken.

Appropriate correction is required.

Claim Objections

Claims 43, 47-49, 51-53 and 67 objected to because of the following informalities: typographical errors: Hadarmad codes instead of Hadamard codes. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 9, 43-49 and 52-82, are rejected under 35 U.S.C. 102(a) as being anticipated by TSG-RAN XP-002213881, Optimum ID codes for SSDT, Nov 30, 1999.

3. Regarding claims 1-3, 43-49, 52-54, 57, 58-62, 67-71 and 75-80, TSG-RAN teaches a method for allocating cell ID codes in a cellular system (introduction, page 1) comprising:
Generating ID codes using punctured Hadamard codes (proposed Hadamard ID codes, page 4 and puncturing bits as shown in tables 3 and 4), and
Allocating the generated ID codes to cells, which require ID codes (introduction, page 1).

In addition, regarding claims 44-48, 59-61, 68-70 and 75-80, TSG-RAN teaches the proposed ID codes on Tables 1-3 as “long”, “medium” and “short”, before puncturing the first bit.

4. Regarding claims 9 and 66, TSG-RAN teaches a method for allocating cell ID codes using selected Hadamard codes with bit length of 8 or 16 (proposed ID codes on page 4 of length 8 and 16).

5. Regarding claims 55, 56, 63, 64, 72, 73, 81 and 82, TSG-RAN teaches a method wherein the radio frame comprises 15 slots and the selected ID code bit is provided in 1 and 2 bit FBI field (long code in a frame with 1 and 2 bit FBI as shown on table 6).

6. Regarding claims 57, 65 and 74 TSG-RAN teaches a method wherein UE periodically sends the selected ID code of a primary cell via apportion of uplink FBI field (Introduction on page 1).

Allowable Subject Matter

7. Claims 4-8, 50 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 05/03/05 have been fully considered but they are not persuasive.

On page 25 of the Response, Applicant argues that Fig. 4-7 and 9-13 are apparent to one of ordinary skill in the art, because the figures were presented and understood during the TSG-RAN conference.

Examiner respectfully disagrees.

The measurements results on Fig. 4-7 and 9-13 are not clear, because the specification does not disclose the conditions of related art and present invention measurements. Notes on the figures: "perfect channel estimation", "no power control", abbreviation Eb/No are not understood.

Examiner believes that asserted understanding of the figures at the meeting is irrelevant, because the presentation of the figures was combined with verbal comments unknown to all who missed this meeting.

On page 26 of the Response, Applicant argues that the inventor is the author of the TSG-RAN, because of the Word property printout.

Examiner respectfully disagrees.

Examiner believes that a sworn affidavit from Applicant is needed to establish him as the only author of the TSG-RAN. The affidavit should clearly affirm that Mr. Young-Joon Song is the sole author of the TSG-RAN.

On page 27 of the Response, Applicant argues that the meeting, establishing the priority data for the TSG-RAN was held later than December 1, 1999, the priority date for the Korean patent application 1999/54097, is proven by the Change request coversheet.

Examiner respectfully disagrees.

Examiner believes that a sworn affidavit from Applicant is needed to establish the priority data for the TSG-RAN was held later than December 1, 1999.

Examiner believes that a sworn affidavit from Applicant is needed to establish the priority date of the current application to be based on the priority date of the Korean patent application 1999/54097. The affidavit should state that all claims material is derived from the Korean patent application 1999/54097.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2662

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan
Patent Examiner.
07/28/05



HANH NGUYEN
PRIMARY EXAMINER

8/2/05